

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**CHARLENE CARTER,**

**Plaintiff,**

**vs.**

**TRANSPORT WORKERS UNION OF  
AMERICA, LOCAL 556,**

**Defendant.**

**CIVIL ACTION NO.**

**3:17-cv-02278-B**

**JURY DEMANDED**

**PRIVILEGE LOG**

TO: Plaintiff Charlene Carter, by and through her attorney of record, Mr. David E. Watkins (via email: [dwatkins@jenkinswatkins.com](mailto:dwatkins@jenkinswatkins.com)), Mr. Jason E. Winford (via email: [jwinford@jenkinswatkins.com](mailto:jwinford@jenkinswatkins.com)), Jenkins & Watkins, P.C., 2626 Cole Avenue, Suite 200, Dallas, Texas 75204-0817; AND Mr. Jeffrey D. Jenningsappell (via email: [jdj@nrtw.org](mailto:jdj@nrtw.org)), Mr. Matthew B. Gilliam (via email: [mbg@nrtw.org](mailto:mbg@nrtw.org)) -- National Right to Work Legal Defense Foundation, Inc., 8001 Braddock Road, Suite 600 Springfield, Virginia 22160.

Plaintiff submits the following description of documents, communications, and tangible things withheld from production or disclosure on privilege grounds under Federal Rules of Civil Procedure 26(b)(5) and 34. As discovery is ongoing, Plaintiffs reserves the right to amend and/or supplement this privilege log at any time if necessary. Furthermore, Plaintiff has not listed items that are core attorney-client-privilege documents, core attorney work product, or trial-preparations materials, as the Federal Rules of Civil Procedure do not require disclosure of these items. "Core" privileged items include, but are not limited to, communications directly between Plaintiff and his counsel of record in this litigation, as well as counsel's work product.

1. Attorney-Client Privilege

Asserted to withhold all documents/files because legal counsel was the sender or recipient of the document/file to Defendant TWU Local 556's officers/employees, or because legal counsel was one of the senders/recipient of such document/file. Defense counsel does not provide traditional business advice, and the protected communications were "generated for the purpose of obtaining or providing legal assistance ...."

1,216 documents/files withheld because of attorney-client privilege.

2. Work Product Privilege

Counsel for Defendant TWU Local 556 and its grievance team managers began in 2010 developing a systematic process for grievance handling/processing, requiring documentation of calls, meetings internally and with Southwest Airlines Company (SWA) (Fact Finding and Step Two meetings). Notes were taken of such meetings and documented in the FA grievance file, pursuant to legal advice of counsel.

This system continued to be refined and now includes the compiling of a report to the Executive Board ("Board Packet") which summarizes the grievance team's investigation and the position of SWA regarding each grievance.

All of the above steps are and were taken pursuant to advice of counsel in an effort to insure grievances were handled in good faith, without discrimination non-arbitrary in nature, in order to explain, and if need be, defend TWU Local 556's actions on each grievance in potential litigation.

In addition, the documents sought by Plaintiff is information not only prepared in anticipation of future litigation of Duty of Fair Representation Claims, on advice of counsel, but more immediately for the pending internal grievance procedures, i.e. internal grievances and

arbitration procedures as set forth by the Collective Bargaining Agreement between the two named Defendants, TWU Local 556 and Southwest Airlines.

Withheld: 69 files (as follows):

- No. 2.B. Grievance Reports/Status Reports/Grievance Team notes for fact finding meetings and reports/Step Two notes/Board Packets from Grievance Team (51 files).
- No. 15.A-I. Grievance file notes/summaries/correspondence to/from grievant (14 files).
- Nos. 18-20 Board Packets from Grievance Team/Grievance Team notes/Step Two exhibits (4 files).

Respectfully submitted,

June 4, 2020

/s/ Adam S. Greenfield  
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